

By Anton Naumlyuk

Ukraine prisoners stranded in legal limbo on the frontline of a war
17,000 inmates were serving sentences in the east before the conflict began. Many remain in jail, with no one to review their cases or authorise their release.

Українські в'язні, що знаходяться на лінії фронту, перебувають у правовій невизначеності.

Перед початком конфлікту в Україні 17,000 ув'язнених відбувало покарання саме на Сході України. Багато хто з них і зараз залишаються в'язниці, їхні справи не переглядаються, і їх не дозволено звільнити.

В'язні України, які відбувають покарання на спірних територіях, наразі опинилися у ситуації правової невизначеності. Окрім того, що в'язниці, які знаходяться на лінії фронту, постійно руйнуються через обстріли з обох сторін конфлікту, жодна зі сторін (ні українська влада, ні самопроголошені республіки) не беруть на себе зобов'язання щодо забезпечення ув'язнених ліками, їжею тощо. Люди, що знаходяться у колоніях, виживають лише завдяки своїм родичам.

Також великою проблемою є факт того, що після проголошення ДНР та ЛНР люди, строк ув'язнення яких закінчився після утворення республік, досі залишаються за ґратами. Це відбувається в результаті втрати офіційного зв'язку української влади з цими колоніями. Єдиним джерелом інформації залишаються волонтери. Український омбудсмен Юрій Белоусов не може назвати чіткий план по вирішенню даної проблеми.

<http://www.theguardian.com/world/2015/jun/01/ukraine-prisoners-stranded-war>



power, they rammed the prisons to bursting point,” said an inmate at Penal Colony Number 57 in the village of Michurino in the self-proclaimed Donetsk People’s Republic. “If you nicked a bag of potatoes they’d put you away for five or seven years.”

After the pro-European Maidan revolution and the fall of Yanukovich’s government, prisoners had hoped that their cases would be reviewed, he added. Instead those being held in disputed territories found themselves trapped in legal limbo – some of them on the frontline of a war.

“They put us in prison and we’ve wound up in some sort of trench,” he said. “We’ve got Glory to Ukraine written on the fence on one side and on the other we’ve got jeeps with Donetsk People’s Republic [DPR] flags driving around. Then a bombardment kicks off and shells start flying in from both sides.”

Last July, a rocket attack destroyed two barracks in the prison. The canteen, industrial zone, and administrative office were all hit, killing six prisoners and a guard. After this, shells bombarded the prison and its grounds on an almost daily basis throughout the summer of 2014, he added.

Until recently, the prison had no electricity or running water. During particularly intense bombing campaigns inmates hid for weeks in a damp basement, and by spring many of them were ill.

“The sewage treatment plant in [nearby] Horlovka was bombed out, and nobody knew about it,” recalled another prisoner. “Half the zona [colony] got diarrhoea and were throwing up. They were really worried that dysentery would break out,” he says.

Neither Ukrainian authorities nor the separatists deliver food or medicines to the prison, with supplies provided only by inmates’ relatives, and on rare occasions by volunteer organisations.

“The zona is practically self-reliant. Everyone brings what they can – medicines, food. There’s machine-guns and mortars firing all the way here, but relatives still come – to bring us at least something,” said an inmate. “There’ve been two loads of humanitarian aid, one an eight-tonner, the other a six. But that’s a drop in the ocean for 600 people. Just enough to survive.”

At the start of Ukraine’s separatist war, there were about 17,000 inmates in 28 prisons in the east of the country. Authorities in Kiev have lost touch with them since the declaration of the independent republics of Donetsk and Luhansk.

Officials believe that those whose terms were up before the summer of 2014 managed to get out, but the rest have been forced to stay behind even if their sentences have since ended, or they have become eligible for parole.

“We could’ve gone over to the [separatist] side,” one inmate says. “But not a lot of people agreed to do so, only about 30 in all. As far as we can tell, half of them are dead and the rest are coming back. There are those who can open fire on other people, and there are those who just can’t.”

Prisoners who escape from the shelled buildings or are released by separatists face further difficulties, as they do not have the necessary documents to resume life in Ukraine.

As the conflict continues, authorities say there are no legal instruments to resolve this problem.

“Today, our only sources of information about the current state of affairs [in the prisons] are international organisations and volunteers,” said Yuri Belousov, Ukrainian parliamentary commissioner for human rights.

Prisons in the war zone represent an insoluble problem, he said, as it’s not clear who the authorities in Kiev should be negotiating with.

“We couldn’t even find a way into Crimea, even though all the agreements were in place,” said Belousov. “We wanted to see what was going on – 3,000 Ukrainian nationals remain imprisoned there. As regards to monitoring the east, it’s unclear who we should be talking to. Russia denies involvement, and so the Russian ombudsman cannot render any assistance.”

The situation is made more complicated by the lack of a comprehensive database of criminal cases across Ukraine. A single register of pre-trial investigations was created in 2012. Before that, case files were stored in paper form in the archives of regional centres. Consequently, prisoners in the Luhansk and Donetsk regions prior to 2012 – and those from the region held in pre-trial detention facilities controlled by Ukraine – could remain in detention indefinitely.

Ukrainian courts, denied access to the relevant documents, are powerless to pass judgement or to change the sentences. Meanwhile, people arrested after 2012 are occasionally released – even those accused of violent crimes – simply to save their lives, said Belousov.

According to the Ukrainian ombudsman, more than a third of the 3,000 prisoners in Crimea have been released. They were, however, granted parole under Russian law – which Ukraine does not recognise. Should they returning home to Ukrainian territory, ex-prisoners possess nothing more than a Russian-issued certificate of release while their criminal case records and all the necessary documentation remains in Crimea. Current Ukrainian legislation does not provide for a way out of this situation.

Kiev is considering an amnesty bill that would give the administrations of prisons and camps beyond its control the power to release prisoners. But a comprehensive solution is yet to be found, and inmates continue to risk their lives in a war they cannot escape.